

IC 8-23-17

Chapter 17. Relocation Assistance

IC 8-23-17-1

"Agency" defined

Sec. 1. As used in this chapter, "agency" means a department, board, commission, office, or instrumentality of the state, including a state supported college or university, or of a political subdivision of the state.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-2

"Agency head" defined

Sec. 2. As used in this chapter, "agency head" means the governing body or principal executive officer of an agency, or a duly designated delegate of the governing body or principal executive officer.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-3

"Displaced person", "displaced", and "displacement" defined

Sec. 3. As used in this chapter, "displaced person" or "displaced" or "displacement" with reference to a person, means a person who moves from real property, or moves personal property from real property, because of the acquisition of the real property and the improvements located on the real property, or the partial acquisition of real property to the extent that continued use by the owner or occupant is rendered impossible or impracticable, or as the result of the written order of the acquiring agency to vacate the real property intended to be acquired by the agency, or as the result of an order issued by an agency engaged in code enforcement activities to vacate the real property. Solely for purposes of sections 13, 14, 18, 19, 20, 21, 22, 23, and 24 of this chapter, the terms also include a person who moves from real property as a result of the acquisition of, or written order of the acquiring agency to vacate, other real property on which the person conducts a business or farm operation. When two (2) or more individuals living together in a single family dwelling are displaced from the dwelling, they are regarded as one (1) displaced person for purposes of this chapter, except that each individual may receive a payment for actual moving expenses and losses under section 13 of this chapter.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-4

"Business" defined

Sec. 4. As used in this chapter, "business" means any lawful activity, excepting a farm operation, conducted primarily:

- (1) for the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;
- (2) for the sale of services to the public;
- (3) by a nonprofit organization; or

(4) solely for the purposes of section 13 of this chapter, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not the display or displays are located on the premises on which any of the above activities are conducted.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-5

"Farm operation" defined

Sec. 5. As used in this chapter, "farm operation" means any activity conducted solely or primarily for the production of one (1) or more agricultural products or commodities, including timber, for sale or home use, and customarily producing products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-6

"Dwelling" defined

Sec. 6. As used in this chapter, "dwelling" means any room, suite of rooms, apartment, trailer, or house occupied or intended to be occupied as a personal residence by one (1) family or by one (1) or more individuals utilizing the same kitchen facilities. The term does not include a single sleeping room without kitchen facilities.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-7

"Adequate replacement dwelling" defined

Sec. 7. As used in this chapter, "adequate replacement dwelling" means a dwelling that is:

- (1) at least comparable in essential accommodations and value to the dwelling acquired by the agency;
- (2) a decent, safe, and sanitary dwelling meeting all minimum requirements of applicable building, housing, and fire prevention codes;
- (3) located in an area not generally less desirable than the area in which the dwelling acquired by the agency is located, in regard to public utilities and public and commercial facilities;
- (4) reasonably accessible to the principal place of employment of the head of the household;
- (5) available for purchase or rental on the private market; and
- (6) available for purchase or rental at a price or rent within the financial means of the displaced person. A dwelling available for purchase is considered to be within the financial means of a person only if, after taking into account that part of the acquisition cost paid to the displaced person plus any payment made under section 16 or 17 of this chapter, a loan commitment may be obtained from a lending institution, with or without the aid of any federal or other program of loan insurance, in the principal

amount equal to the balance of the purchase price of the replacement dwelling.
As added by P.L.18-1990, SEC.226.

IC 8-23-17-8

"Gross monthly income" defined

Sec. 8. As used in this chapter, "gross monthly income" means the average of such income during the twelve (12) month period immediately preceding displacement and includes income from all sources whether or not such income is taxable under any state or federal law, and also includes any public assistance received under the following:

- AFDC assistance.
- AFDC burials.
- AFDC IMPACT/J.O.B.S.
- AFDC-UP assistance.
- ARCH.
- Blind relief.
- Child care.
- Child welfare adoption assistance.
- Child welfare adoption opportunities.
- Child welfare assistance.
- Child welfare child care improvement.
- Child welfare child abuse.
- Child welfare child abuse and neglect prevention.
- Child welfare children's victim advocacy program.
- Child welfare foster care assistance.
- Child welfare independent living.
- Child welfare medical assistance to wards.
- Child welfare program review action group (PRAG).
- Child welfare special needs adoption.
- Food Stamp administration.
- Health care for indigent (HIC).
- ICES.
- IMPACT (food stamps).
- Title IV-D (ICETS).
- Title IV-D child support administration.
- Title IV-D child support enforcement (parent locator).
- Medicaid assistance.
- Medical services for inmates and patients (590).
- Room and board assistance (RBA).
- Refugee social service.
- Refugee resettlement.
- Repatriated citizens.
- SSI burials and disabled examinations.
- Title XIX certification.
- Any other law of this state administered by the division of family and children.

As added by P.L.18-1990, SEC.226. Amended by P.L.2-1992, SEC.82.

IC 8-23-17-9

"Person" and "owner" defined

Sec. 9. As used in this chapter, "person" and "owner" include any individual, partnership, corporation, limited liability company, or association.

As added by P.L.18-1990, SEC.226. Amended by P.L.8-1993, SEC.163.

IC 8-23-17-10

"Owner" defined

Sec. 10. As used in this chapter, "owner" as applied to real property means the person or persons holding legal title to the property as shown by the records of the county recorder of the county in which the real property is situated, or the person or persons entitled as vendee under a land contract to receive conveyance of the legal title upon payment of a specified purchase price.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-11

"Code enforcement" defined

Sec. 11. As used in this chapter, "code enforcement" means any project or program for the elimination or prevention of the development or spread of deteriorated or deteriorating areas through a systematic inspection of buildings and structures in an area and the enforcement of codes or ordinances establishing standards for the condition and maintenance of dwellings, buildings, or premises as safe, sanitary, and fit for human habitation.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-12

Payments; applicable provisions

Sec. 12. The following provisions apply to payments by the department of transportation under this chapter:

- (1) A payment by the department under section 13(3) or 14 of this chapter may not exceed the maximum allowances provided by federal law for persons displaced by federal programs or projects.
- (2) A payment by the department under section 15 of this chapter must be in the amount of the allowance provided by federal law for persons displaced by federal programs or projects.
- (3) In addition to payments otherwise authorized by this chapter, the department shall make a payment to or for a person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than one hundred eighty (180) days before the initiation of negotiations for the acquisition of the property. This payment may not exceed the maximum allowances provided by federal law for persons displaced by federal programs or projects and must include the following elements:
 - (A) The amount, if any, that when added to the compensation for the dwelling acquired by the department equals the reasonable cost of a comparable replacement dwelling that is a decent, safe, and sanitary dwelling adequate to accommodate the displaced person, reasonably accessible to public services and places of employment, and available on the private

market.

(B) The amount, if any, that will compensate the displaced person for any increased interest costs that the person is required to pay for financing the acquisition of any comparable replacement dwelling. The amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage that was a valid lien on the dwelling for not less than one hundred eighty (180) days before the initiation of negotiations for the acquisition of the dwelling. The amount must be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling that is equal to the unpaid balance of the mortgage on the acquired dwelling over the remaining term of the mortgage on the acquired dwelling, reduced to discounted present value.

(C) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a replacement dwelling, which is decent, safe, and sanitary, not later than the end of the one (1) year period beginning on the date on which the displaced person receives final payment of all costs of the acquired dwelling or moves from the acquired dwelling, whichever is later.

(4) In addition to payments otherwise authorized by this chapter, the department shall make a payment to or for any person displaced from any dwelling not eligible to receive a payment under subdivision (3) if the dwelling was actually and lawfully occupied by the displaced person for not less than ninety (90) days before the initiation of negotiations for acquisition of the dwelling. The payment must be either:

(A) the amount necessary to enable the displaced person to lease or rent for a period not to exceed four (4) years a decent, safe, and sanitary dwelling of standards adequate to accommodate the person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to the person's place of employment, but not to exceed the maximum amount provided by federal law for persons displaced by federal programs or projects; or

(B) the amount necessary to enable the person to make a down payment (including incidental expenses described in subdivision (3)(C)) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate the person in areas not generally less desirable in regard to public utilities and public and commercial facilities, in the amount and on the conditions provided by federal law for persons displaced by federal programs or projects.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-13

Compensation for expenses and losses

Sec. 13. Whenever the acquisition of real property for a project undertaken by an agency, or a program of code enforcement by an agency in the state, will result in the displacement of any person, the agency shall make a payment to a displaced person, upon proper application as approved by the agency head, for:

- (1) actual reasonable expenses in moving the person, the person's family, business, farm operation, or personal property;
- (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the head of the agency; and
- (3) except as provided in section 12(1) of this chapter, actual reasonable expenses in searching for a replacement business or farm, not to exceed a maximum of five hundred dollars (\$500).

As added by P.L.18-1990, SEC.226.

IC 8-23-17-14

Moving expense and dislocation allowances

Sec. 14. A displaced person eligible for payments under section 13 of this chapter who is displaced from a dwelling and who elects to accept the payments authorized by this section in lieu of the payments authorized by section 13 may receive a moving expense allowance and a dislocation allowance determined according to a schedule established by the agency head. The schedule may establish a graduated scale of payments based upon size or kind of business or farm operation, size of dwelling, number of persons in family, or other appropriate factors. Except as provided in section 12(1) of this chapter, the payment shall not exceed a moving expense allowance of three hundred dollars (\$300) and a dislocation allowance of two hundred dollars (\$200).

As added by P.L.18-1990, SEC.226.

IC 8-23-17-15

Payment based on average annual net earnings

Sec. 15. (a) A displaced person eligible for payment under section 13 of this chapter who is displaced from a place of business or farm operation and elects to accept the payment authorized by this section in lieu of the payment authorized by section 13 of this chapter may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation. However, except as provided in section 12(2) of this chapter, the payment shall not be more than five thousand dollars (\$5,000). In the case of a business, no payment shall be made under this section unless the agency head is satisfied that the business:

- (1) cannot be relocated without a substantial loss of its existing patronage; and
- (2) is not a part of a commercial enterprise having at least one (1) other establishment not being acquired by the agency and which is engaged in the same or similar business.

(b) For purposes of this section, "average annual net earnings" means one-half (1/2) of any net earnings of the business or farm operation, before federal, state, and local income taxes, during the two (2) taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired by the agency. The term includes any compensation paid by the business or farm operation to the owner, the owner's spouse, or dependents during the period.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-16

Allowance for lease or rental of adequate replacement dwelling

Sec. 16. Except as provided in section 12(3) and 12(4) of this chapter, and in addition to payments otherwise authorized by this chapter, the agency shall make a payment to or for the benefit of a displaced person from a dwelling actually and lawfully occupied by the displaced person for not less than ninety (90) days prior to commencement of code enforcement activities for, or the initiation of negotiations for acquisition of, the dwelling. The payment shall be an amount, not to exceed two thousand five hundred dollars (\$2,500), necessary to enable the displaced person to lease or rent an adequate replacement dwelling for a period not to exceed two (2) years, less an amount equal to twenty percent (20%) of the gross monthly income of the displaced person averaged over the previous twelve (12) month period multiplied by twenty-four (24), determined at the time of displacement.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-17

Allowance for down payment and closing costs for purchase of adequate replacement dwelling

Sec. 17. (a) In lieu of the amount determined under section 16 of this chapter, the agency may make a payment to the displaced person in an amount necessary to enable the person to make a down payment on the purchase of an adequate replacement dwelling, not in excess of two thousand five hundred dollars (\$2,500).

(b) In addition to any payment payable under subsection (a), the agency shall pay reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incidental to the purchase of the replacement dwelling, but not including prepaid expenses.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-18

Relocation advisory assistance program

Sec. 18. Whenever acquisition of, or code enforcement upon, real property by an agency will result in the displacement of a person, the agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in section 20 of this chapter. If the agency determines that a person occupying property immediately adjacent to the real property acquired is caused

substantial economic injury because of the acquisition, it may offer that person relocation advisory services under the program.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-19

Cooperation with other agencies

Sec. 19. An agency causing displacement of a person shall cooperate to the maximum feasible extent with federal, state, or local agencies administering programs that may be of assistance to displaced persons, in order to assure that displaced persons receive the maximum assistance available to them.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-20

Relocation assistance advisory programs; measures, facilities, and services

Sec. 20. Each relocation assistance advisory program required by section 18 of this chapter shall include measures, facilities, or services as may be necessary or appropriate in order to:

- (1) determine the need, if any, of displaced persons for relocation assistance;
- (2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;
- (3) assure that, within a reasonable period of time prior to displacement, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by the agency head, equal in number to the number of and available to the displaced persons who require dwellings and reasonably accessible to their places of employment, except that the governor may establish by executive order situations when the assurances may be waived;
- (4) assist a displaced person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;
- (5) supply information concerning federal or state housing programs, disaster loan programs, and other federal or state programs offering assistance to displaced persons; and
- (6) provide other advisory services to displaced persons in order to minimize hardships to the persons in adjusting to relocation.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-21

Coordination with government community actions

Sec. 21. Agencies shall coordinate relocation activities with project work and with other planned or proposed governmental actions in the community or nearby areas that may affect the carrying out of relocation assistance programs.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-22

Service contracts; use of other agencies

Sec. 22. (a) To prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under this chapter, an agency required by this chapter to make relocation payments to displaced persons or to establish relocation assistance advisory programs may enter into contract with an individual, firm, limited liability company, or corporation for services in connection with the programs, or may carry out its functions under this chapter through any federal, state, or local governmental agency or instrumentality having an established organization for conducting relocation assistance programs. The contract may delegate authority to make a determination required to be made by the agency head with respect to eligibility for an amount of relocation assistance payments, availability of adequate replacement dwellings, or other matters required to be determined under this chapter, subject to review of determinations by the agency head and as provided in section 33 of this chapter.

(b) An agency acquiring property or displacing persons within a city or county that has established a governmental agency to provide relocation assistance to persons displaced from dwellings or businesses, whether or not the acquiring or enforcing agency is engaged in a program using federal financial assistance, may use the services and facilities of the county or city relocation agency in performing its obligations and in making the determinations required under this chapter to the maximum feasible extent permitted by applicable federal law or regulations.

As added by P.L.18-1990, SEC.226. Amended by P.L.8-1993, SEC.164.

IC 8-23-17-23

Rules and procedures; establishment

Sec. 23. Each agency head is authorized to establish rules and procedures as necessary to assure the following:

- (1) The payments and assistance authorized by this chapter shall be administered in a manner that is fair and reasonable, as uniformly as practicable.
- (2) A displaced person who makes application for a payment authorized for such person under this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance.
- (3) A person aggrieved by a determination as to eligibility for a payment authorized by this chapter or the amount of a payment, may have the application reviewed by the agency head.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-24

Rules and provisions; adoption by agency heads and governor

Sec. 24. Each agency head may adopt rules and procedures, consistent with this chapter, as necessary or appropriate to carry out its

purposes. The governor may, with the approval of the attorney general, adopt uniform rules and procedures, including uniform schedules of payments under section 14 of this chapter and standards for the determination of payments under sections 16 and 17 of this chapter. The rules must be uniform and applicable to all agencies subject to this chapter. In adopting rules the governor, or the agency head if the governor has not adopted rules, shall consult with federal agencies administering relocation assistance programs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655) to promote uniform and effective administration of relocation assistance and land acquisition by all governmental agencies acquiring property in Indiana.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-25

Policy guidelines

Sec. 25. All agencies shall, to the greatest extent practicable, be guided by the following policies:

- (1) The agency shall make every reasonable effort to acquire expeditiously real property by negotiation.
- (2) Real property shall be appraised before the initiation of negotiations, and the owner or a designated representative shall be given an opportunity to accompany the appraiser during the inspection of the property.
- (3) Before the initiation of negotiations for real property, the agency concerned shall establish an amount that it believes to be just compensation and shall make a prompt offer to acquire the property for the full amount established. The amount may not be less than the agency's approved appraisal of the fair market value of the property. A decrease or increase in the fair market value of real property before the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for the improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.
- (4) An owner is not required to surrender possession of real property before the agency concerned pays the agreed purchase price, or deposits with the court in eminent domain proceedings for the benefit of the owner, the amount of the award of the appraisers in the eminent domain proceeding for the property.
- (5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, a person lawfully occupying real property is not required to move from a dwelling (assuming an adequate replacement dwelling will be available) or to move a business or farm operation without at

least ninety (90) days written notice from the agency concerned of the date by which the move is required.

(6) If the agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the agency on short notice, the amount of rent required may not exceed the fair rental value of the property to a short-term occupier.

(7) The agency may not advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, to compel an agreement on the price to be paid for the property.

(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the agency concerned shall institute formal condemnation proceedings. An agency may not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of the owner's real property.

(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the agency concerned shall offer to acquire the entire property.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-26

Reimbursement of conveyance expenses, penalties, and real property taxes

Sec. 26. The acquiring agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in eminent domain proceedings to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the agency head deems fair and reasonable, for expenses the owner necessarily incurred for:

(1) recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the agency;

(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(3) the pro rata portion of real property taxes paid that are allocable to a period subsequent to the date of vesting title in the agency or the effective date of possession of the real property by the agency, whichever is the earlier.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-27

Awards for condemnation proceeding expenses

Sec. 27. (a) The court having jurisdiction of a proceeding instituted by an agency to acquire real property by eminent domain shall award the owner of a right, or title to, or interest in, the real property the sum that will in the opinion of the court reimburse the owner for reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the

condemnation proceedings, if:

- (1) the final judgment is that the agency cannot acquire the real property by eminent domain; or
- (2) the proceeding is abandoned by the agency.

(b) An award made under subsection (a) shall be paid by the agency for whose benefit the eminent domain proceedings were instituted.

(c) The court rendering a judgment for the plaintiff in a proceeding brought under IC 32-24-1-16 or any other Indiana law providing for the institution of proceedings by the owner seeking just compensation for property taken for public use in awarding compensation for the taking of property by an agency, or the agency effecting a settlement of a proceeding, shall determine and award or allow to the plaintiff, as a part of the judgment or settlement a sum that will in the opinion of the court or the agency reimburse the plaintiff for reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the proceeding.

As added by P.L.18-1990, SEC.226. Amended by P.L.2-2002, SEC.49.

IC 8-23-17-28

Adequate replacement dwelling requirement

Sec. 28. A person is not required to move from the person's dwelling by an agency acquiring the dwelling or engaged in a code enforcement program unless the agency head has determined that an adequate replacement dwelling is available to the person.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-29

Effect of chapter

Sec. 29. (a) Section 25 of this chapter does not create a legal right or liability and does not affect the validity of property acquisitions by purchase or condemnation.

(b) This chapter does not create an element of value or damages not in existence before April 16, 1971, in any proceedings brought under the power of eminent domain.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-30

Federal assistance; compliance with federal law

Sec. 30. An agency acquiring real property or engaging in code enforcement activities under a program under which federal financial assistance is or will be available to pay the cost of the program is authorized to enter into an agreement with the appropriate federal agency under which the agency agrees to provide relocation assistance services and payments as required or authorized under the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655) and to use available federal funds. The agency using federal financial assistance may make contracts and expenditures, and act, make rules, orders, and findings as necessary to comply with the federal law and the related rules, regulations, and interpretations promulgated by the appropriate federal agencies.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-31

Federal assistance; noncompliance with chapter

Sec. 31. An agency acquiring real property or engaging in code enforcement activities with federal financial assistance or acquiring real property reasonably anticipating that federal funds might be used to reimburse the cost of construction or other activity for which the real property is acquired and that is subject to the requirements of the Federal Uniform Relocations Assistance and Real Property Acquisitions Policies Act of 1970 (42 U.S.C. 4601-4655) is not required to make relocation payments or provide relocation assistance programs under this chapter, or to comply with any procedures or rules under this chapter that are inconsistent with applicable federal law or regulations if the agency complies with all applicable federal law and regulations relating to relocation payments and assistance for persons displaced by the project.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-32a

Tax exemptions; effect of payments on public assistance eligibility

Note: This version of section effective until 1-1-2003. See also following version of this section, effective 1-1-2003.

Sec. 32. (a) All amounts paid to displaced persons under this chapter are exempt from taxation under IC 6-2.1 and IC 6-3.

(b) A payment received under this chapter is not considered as income for the purpose of determining the eligibility or extent of eligibility of any person for public assistance under the following:

- AFDC assistance.
- AFDC burials.
- AFDC IMPACT/J.O.B.S.
- AFDC-UP assistance.
- ARCH.
- Blind relief.
- Child care.
- Child welfare adoption assistance.
- Child welfare adoption opportunities.
- Child welfare assistance.
- Child welfare child care improvement.
- Child welfare child abuse.
- Child welfare child abuse and neglect prevention.
- Child welfare children's victim advocacy program.
- Child welfare foster care assistance.
- Child welfare independent living.
- Child welfare medical assistance to wards.
- Child welfare program review action group (PRAG).
- Child welfare special needs adoption.
- Food Stamp administration.
- Health care for indigent (HIC).
- ICES.
- IMPACT (food stamps).
- Title IV-D (ICETS).

Title IV-D child support administration.
Title IV-D child support enforcement (parent locator).
Medicaid assistance.
Medical services for inmates and patients (590).
Room and board assistance (RBA).
Refugee social service.
Refugee resettlement.
Repatriated citizens.
SSI burials and disabled examinations.
Title XIX certification.
Any other Indiana law administered by the division of family and children.

As added by P.L.18-1990, SEC.226. Amended by P.L.2-1992, SEC.83.

IC 8-23-17-32b

Tax exemptions; effect of payments on public assistance eligibility

Note: This version of section effective 1-1-2003. See also preceding version of this section, effective until 1-1-2003.

Sec. 32. (a) All amounts paid to displaced persons under this chapter are exempt from taxation under IC 6-3.

(b) A payment received under this chapter is not considered as income for the purpose of determining the eligibility or extent of eligibility of any person for public assistance under the following:

AFDC assistance.
AFDC burials.
AFDC IMPACT/J.O.B.S.
AFDC-UP assistance.
ARCH.
Blind relief.
Child care.
Child welfare adoption assistance.
Child welfare adoption opportunities.
Child welfare assistance.
Child welfare child care improvement.
Child welfare child abuse.
Child welfare child abuse and neglect prevention.
Child welfare children's victim advocacy program.
Child welfare foster care assistance.
Child welfare independent living.
Child welfare medical assistance to wards.
Child welfare program review action group (PRAG).
Child welfare special needs adoption.
Food Stamp administration.
Health care for indigent (HIC).
ICES.
IMPACT (food stamps).
Title IV-D (ICETS).
Title IV-D child support administration.
Title IV-D child support enforcement (parent locator).
Medicaid assistance.

Medical services for inmates and patients (590).
Room and board assistance (RBA).
Refugee social service.
Refugee resettlement.
Repatriated citizens.
SSI burials and disabled examinations.
Title XIX certification.
Any other Indiana law administered by the division of family and children.

As added by P.L.18-1990, SEC.226. Amended by P.L.2-1992, SEC.83; P.L.192-2002(ss), SEC.151.

IC 8-23-17-33

Review of determination

Sec. 33. A person aggrieved by a determination made by an agency head under this chapter may have the determination reviewed by the governing body or principal executive officer of the agency. A final determination of the agency is subject to judicial review under IC 4-21.5-5.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-34

Waiver of eminent domain power; notice to property owner

Sec. 34. This chapter is not applicable to the purchase of a parcel of real property by an agency if the agency head gives notice in writing to the owner of the property not later than the date of its first offer to purchase the property that the agency will not exercise a right it may have to acquire the property through exercise of the power of eminent domain. Proceedings in eminent domain may not thereafter be instituted by the agency with respect to the real property unless the notice is expressly revoked in writing. If the notice is revoked, the provisions of this chapter are applicable as if the agency had not given notice under this section.

As added by P.L.18-1990, SEC.226.

IC 8-23-17-35

Financing of payments

Sec. 35. Funds appropriated or otherwise available to an agency for the acquisition of real property or an interest in real property or for the conduct of code enforcement programs shall also be available to carry out this chapter.

As added by P.L.18-1990, SEC.226.